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ABSTRACT

Ethical inquiries processed by the Ethics Committee of the American School Counselor Association (ASCA) were reviewed for the years 1997-1999. During the first years, 38 inquiries were reported. In the following year, the Ethical Standards for School Counselors was published and that helped drop the number of inquiries. The topical areas of inquiry included dual relationships; preparing for court appearances and hearings; duty to warn; parental consent for counseling; and testing issues. ASCA state presidents and participants at an Ethics Committee presentation at the American Counseling Association conference were surveyed in an effort to elaborate on issues of the school counseling consent form. The main areas of inquiry obtained from these surveys concerned the written permission to counsel minors and issues about confidentiality. When the questions were presented to the Ethics Committee of ASCA, they stated issues of teen pregnancy, sexual involvement, and confidentiality with minors were all major concerns. Counselors have a role in educating principals and administrators about the their roles in relation to ethical standards and practices. Counselors should also have prepared responses supporting their positions when trying to influence development of policies in their school districts. (Author/JDM)

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Report of the ASCA Ethics Committee: 1997-1999

Abstract

This report addresses ethical inquiries processed by the Ethics Committee of the American School Counselor Association for 1997-1999 as well the results of surveys conducted by the Committee.

Report of the ASCA Ethics Committee: 1997-1999
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This report contains data about ethical inquiries processed by the American School Counselor Association from June, 1997 to June, 1999. Information about the approval of the Revised Ethical Standards for School Counselors is also provided. A summary of surveys conducted at ACA and ASCA conferences and questions posed by participants in the sessions presented by the Ethics Committee is shared.

Ethical Inquiries

The ASCA Ethics Committee has reported its activities to the ASCA Governing Board. Committee activities have also been shared at presentations at the American Counseling Association and the ASCA Conference in June. The 1997-98 year reflected a large number of inquiries. However, after the passage of "The Ethical Standards for School Counselors" in 1998, the inquiries decreased. A similar phenomenon was reported by the ACA Ethics Committee in 1995-1996 according to Salo, Forester-Miller and Hamilton. They also reported a complexity of the issues. Many of the inquiries received during 1998-1999 involved multiple issues.

Some of the members of the Ethics Committee also served as the State Ethics Chair for his or her state. In addition to the responsibility of the State Ethics Chair, all members of the committee agreed to make their services available to their State School Counselor Association.

"The ASCA Ethics Committee functioned in an educative and consultative capacity and did not adjudicate complaints of ethical misconduct: during 1997-1999. The Ethics Committee's duties were to inform the membership about the Ethical Standards for School Counselors, review and make suggestions for changes in the Ethical Standards and respond to ethical inquiries" according to ASCA, 1997 and ASCA, 1998.

For 1997-98, there was a total of 38 ethical inquiries. Topical areas of the inquiries included dual relationships, preparing for court appearances and hearings, duty to warn, general information, parental consent for counseling, testing issues, confidentiality, Section 504 of the Rehabilitation Act of 1973, Parental Rights and Responsibilities Act, guidelines for school counselor records, supervision of school counselor interns, distinction between personal statements and those as a counseling professional, ethical concerns of high school counselors with college counselors, competence of school counselors in diagnosing psychiatric disorders, licensure issues, counseling services being provided by a secretary. The categories with the largest inquiries included general information with 8 inquiries, preparing for court appearances and hearings with 6 inquiries and confidentiality with 5 inquiries.

Of the 38 inquiries, 32 were submitted by females. Eight were submitted by males of which two of them were attorneys. A similar finding was revealed in the Report of the ACA Ethics Committee for 1991-1992 with a large number of complaints that were filed by female clients.

For June 1998 to June 1999, there was a total of 12 inquiries. The areas with the largest number of inquiries included confidentiality with 3 inquiries, requests for

counselor records with a total of 2 inquiries, 2 requests for resources for graduate students and 2 requests for information with regard to duty to warn.

Of the twelve inquiries, nine were submitted by females. A total of three were submitted by males.

Revised Ethical Standards for School Counselors

The Revised Ethical Standards for School Counselors was approved by the Delegate Assembly in June, 1998. Recommendations that were offered by this body and then incorporated into the Standards were the addition of addresses, telephone numbers and web site addresses for the Resources Section of the Standards.

Survey of State Presidents

During the regional meetings of the Delegate Assembly in 1998, key areas that were addressed by state presidents were parental consent for counseling, counselor involvement in disciplinary referrals and policies regarding principals' request for sensitive information on clients. In an effort to elaborate on the issue of school counseling consent forms as a help or hindrance (Hayes, 1997), state presidents were asked to respond to a survey with regard to the issues. A total of 12 states responded to the survey. A total of nine states listed confidentiality as a key issue in his or her state. Parental consent for counseling was handled by the school district according to 10 of the respondents. In two states there were policies with regard to the authority of principals to request confidential client information from counselors.

Survey of Participants of Ethics Presentation at ACA Conference

The same survey was given to participants at a presentation by the Ethics Committee at the American Counseling Association. A total of 22 of the participants were ACA and ASCA members; only one was an ASCA only member and three were not ASCA or ACA members. In the last category of professionals who were not ACA or ASCA members, these practitioners were primarily psychologists.

The top issues of concern for the ASCA and ACA members were obtaining written permission for counseling minors with 5 counselors who listed the issue as a concern. Confidentiality ranked second with 4 professionals who perceived this as an issue. Abortion and teen pregnancy ranked last as an ethical issue with only two practitioners voicing it as a top issue. Single issues that were listed by some of the school counselors in attendance were providing services for which one was not trained, when to refer, directing or managing state-wide testing programs, use of restraints, dual role assignments, competence due to provisional certificate, providing STD/AIDS education, support groups, information about gay and lesbian issues, medicaid cost recovery and information that is required on school progress notes in order to obtain medicaid cost recovery.

Two of the ACA members listed parental consent for counseling as an ethical issue. Other issues that were mentioned were birth control and minors, handling violence, reporting child abuse neglect, teen and pre-teen sex issues and confidentiality with parents.

For the practitioners who were not members of ACA or ASCA, they revealed that in their settings parental consent for counseling was required after the initial session with the student.

The Ethics Committee has a tradition of responding to issues brought to the sessions by participants. Questions that were presented to the Ethics Committee at an ACA conference included 5 inquiries with regard to confidentiality, 5 with regard to release of information, 3 regarding permission for counseling and 2 regarding religious values in counseling. Other inquiries included liability, use of restraints, testifying as a character witness for a student, ASCA's position on the use of written and signed informed consent, family rights, depression, and school counselor teaching in a classroom without certification.

Survey of Participants at Ethics Presentation At ASCA Conference

Questions that were presented to the Ethics Committee at the ASCA Conference included issues involving teen pregnancy and sexual involvement, confidentiality and minors, the role of the school counselor in discipline, misuse of assessment results, requests by noncounseling colleagues for information that was shared in counseling and informed consent.

The survey that was previously given to state presidents and participants in the Ethics presentation at ACA was also distributed to participants who attended the Ethics presentation at the ASCA conference.

A total of 13 school counselors responded at the ASCA conference. Top ethical issues from this group included confidentiality and privileged communication with 6 inquiries, discipline with 2 inquries, dual relationships with 2 inquiries, two inquiries involving safe school issues and four issues dealing with counselor training and supervision. Other inquiries included custody and disclosure, referrals for mental health, informed consent, release of records, free resources for children, and sex/ed and sex information policies.

In responding to how parental consent for counseling is handled in their state, nine responded that it was a part of school district policies. One of the nine respondents added that parental consent is only required for long term counseling. Another response was that parental consent was only required for group counseling.

With regard to counselor involvement in discipline referrals, 5 respondents were not sure how it was handled in their state. Three respondents reported that many counselors were involved in the process and two of the three perceived it as a conflict of interest.

With regard to the issue of principals requesting sensitive information about the counseling process, 8 responded that there was not a school district or state department of education policy regarding this and three did not know if there was a policy regarding releasing counseling information to principals. Two respondents have indicated that principals may request this kind of information and counselors who do not comply may be dismissed.

Summary

For ethical inquiries that were processed for 1997-1999, confidentiality emerged as a top issue. The 1998 Revised Ethical Standards for School Counselors attempted to incorporate some of the concerns relating to confidentiality by developing separate sections of the Standards such as "Confidentiality and the Professional School Counselor" and "Parents and Confidentiality."

Continuing issues that will need resolution are parental consent for counseling whether after the initial session or before counseling can be initiated and the level of counselor involvement in disciplinary referrals. Many school districts have developed policies with regard to parental consent for counseling while others have not. Counselors in their individual school districts will have to work to develop policies to clarify the troublesome areas.

In a similar vein, the level of counselor involvement in disciplinary referrals varies by school district. Through networking and identifying practices that have been successful, counselors can play a pivotal role in shaping policies that identify their level of involvement in disciplinary referrals.

In addition to networking, counselors have a role in educating principals and administrators about the counselor's role in relation to ethical standards and practices with regard to confidentiality. The educational process is not a one time event but should be seen as as continuing process throughout the school year. The dialogue between school counselors and administrators has the potential to prevent future role conflicts.

From examining the ethical inquiries from 1998-1999, it becomes clear that some of the issues are recurring with different situations. According to Corey, Corey and Callanan (1998)

"issues may need to be reexamined periodically as they may take on new dimensions and minor questions may become major concerns as you progress professionally."

As one begins to search for solutions by utilizing the decision making model developed by Kitchener (1984), Jordan and Meara (1990) and Corey, Corey and Callanan (1998), perhaps a final step should be added. The step of delineating a plan to defend your decision would be useful. During this time period, a list of potential questions that may be raised by opponents and supporters of your decision can be developed. Carefully crafted statements and responses could be written that would helpful in influencing others to support your position. This final step is critical in assisting counselors in influencing the development of policies in one's school district.

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Ethical Inquiries, ASCA Ethics Committee

Inquiries	1997-98	1998-99
Dual Relationships	3	
Preparing for Court Appearances	6	1
Duty to Warn	2	2
General Information	8	
Parental Consent for Counseling	3	1
Testing Issues	1	
Confidentiality	5	3
Section 504 of Rehab. Act of 1973	1	
Parental Rights and Respon. Act	1	
Guidelines for Sch. Couns. Record	1	
Supervision of Sch. Couns. Interns	1	
Personal State. Vs. Prof. State.	1	
Concerns of High Sch. Couns. Vs. College Couns.	1	
Competence of Sch. Couns. In Diagnosing Psychiatric Dis.	1	
Licensure Issues	2	
Couns. Serv. Provided by Secre.	1	
Request for Couns. Records		2
Resources for Grad. Students		2
Insurance Reimbursement		1
Total	38	12

Verbal Inquiries At ACA Conference 1999		Verbal Inquiries at ASCA Conference 1999
Confidentiality	5	1
Release of Information	5	1
Permission for Counseling	3	
Religious Values in Couns.	2	
Liability	1	
Use of Restraints	1	
Testifying as Character Witness	1	
Family Rights	1	
Depression	1	
Sch. Couns. Teaching W/O Cert.	1	
ASCA's Pos. State. on Informed Consent	1	
Teen Preg. & Sexual Issues		2
Misuse of Assess. Results		1
Informed Consent		1
Sch. Couns. & Discipline		1
Total	22	7